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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Emilio Barbera-Guillem Examiner : Blanchard, David J.
Application No. : 09/835,759 Group Art : 1642
Filing Date : April 16, 2001 Docket No. : 26983-98
Confirmation No. : 5302
Title : **VACCINE AND IMMUNOTHERAPY FOR SOLID
NONLYMPHOID TUMOR AND RELATED
DYSREGULATION**

Mail Stop Appeal Brief - Patents
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and
Appeal Brief*

AMENDED APPEAL BRIEF

Sir/Madam:

The following Amended Appeal Brief is submitted pursuant to the Notification of Non-Compliant Appeal Brief mailed September 21, 2005 in the above-identified application. The Notification of Non-Compliant Appeal Brief set a period of one month for reply with extensions available under 37 C.F.R. 1.136. This Amended Appeal Brief mailed with a proper certificate of mailing on December 21, 2005 with a petition for a two month extension is thus timely filed. While no additional fees are believed due, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment to Deposit Account No. 02-2051, referencing Attorney Docket No. 26983-98.

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CERTIFICATE OF MAILING

Date of Deposit: **December 21, 2005**

I hereby certify that the attached:

- Amended Appeal Brief (24 pages); and
- Return Receipt Postcard

are being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" in an envelope and is addressed to: Mail Stop Appeal Brief – Patents, Board of Patent Appeals and Trademark Office, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date indicated above.

Leslie Ann Kuder
(Typed or Printed Name of Sender)


(Signature)

December 21, 2005
(Date)

provides sufficient description of a representative number of species of anti-B cell agents to demonstrate full possession of the invention.

D. Conclusion

Appellant believes that the remarks presented above resolve all outstanding issues concerning the above-referenced application. Accordingly, Appellant as the appealed claims are allowable, the final rejection should be reversed and the case remanded to the Examiner with instruction to pass the application to allowance.

While no fees are believed due, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment to Deposit Account No. 02-2051, referencing Attorney Docket No. 26983-98.

Respectfully submitted,

Dated: 21 DEC 2005

By: _____

W. Scott Harders
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